

United States District Court  
NORTHERN District of ILLINOIS  
EASTERN DIVISION

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FILED

JUL 31 2008

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MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

United States } Plaintiff  
v. }  
Daniel Hill } Defendant

Case No 07CR843  
07CR843

Hon Judge Joan Lefkow

Comes now Daniel Hill defendant (prose) and moves for dismissal of the indictment based on outrageous government conduct.

Outrageous government conduct is not precisely definable. United States v. Bogart, 783 F.2d 1428, 1435 (9th Cir. 1986). It is however typified by fundamentally unfair conduct that offends a universal sense of justice. United States v. Russell, 93 S.Ct. 1637 (1973). Dismissal of the indictment is the proper remedy for outrageous government conduct. Greene v. United States, 454 F.2d 783 (9th Cir. 1971), Bogart 783 F.2d at 1432. Outrageous conduct violates Due process which protects against convictions on the basis of evidence that has a high risk of being false. Matthews v. Eldridge, 96 S.Ct. 893 (1976). Outrageous conduct exists when the government manufactures the crimes and initiates contact with a defendant. Greene, 454 F.2d at 783; United States v. Twigg, 588 F.2d 373 (3d Cir. 1978); United States v. Lard, 734 F.2d 1290 (8th Cir. 1984). Outrageous government conduct differs from entrapment defense because a defendant's predisposition is irrelevant to outrageous conduct.

The contract with this information created a situation likely to produce unreliable evidence. The informant was highly motivated to produce someone who could be arrested and prosecuted to avoid his own prosecution. This motivation led him to manufacture a crime where one would not have been committed otherwise.

Undercover agents and informants arguably have a place in the investigation of drug distribution offenses. However, the possible propriety of using such individuals to investigate and gather evidence of existing conspiracies and crimes does not justify placing arrestees in the position of having to manufacture offenses in order to avoid their own conviction. Such activity is fundamentally unfair and offends all sense of justice.  
(Prose under necessity)

Respectfully submitted

D. L. Hill (Prose)  
Daniel Hill